

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-006778

09/20/2010

JUDGE ROBERT E. MILES

CLERK OF THE COURT  
K. Skelton  
Deputy

IN RE THE MATTER OF  
LUZ GABRIELA HERNANDEZ

WILLIAM M SPENCE

AND

NICHOLAS JARED YADON

STEPHANIE PRECIADO

MINUTE ENTRY

Courtroom OCH 201

Prior to the commencement of this proceeding, Nicholas Jared Yadon is sworn.

3:11 p.m. This is the time set for Resolution Management Conference.  
Petitioner/Mother, Luz Gabriela Hernandez, is not present but is represented by above-named counsel. Respondent/Father, Nicholas Jared Yadon, is present, appearing telephonically, with above-named counsel present in the courtroom.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Mother waives her appearance for today's proceeding.

Discussion is held with the Court regarding the status of the case.

Based on the discussion,

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IT IS ORDERED counsel for Mother shall prepare and submit to the Court no later than **September 30, 2010** a formal written Stipulation incorporating the parties' agreement regarding parenting time.

**EVIDENTIARY HEARING SETTING**

IT IS ORDERED setting this matter for **Evidentiary Hearing on November 23, 2010 at 11:00 a.m. to 12:00 p.m. (time allotted: 1 hour)** before:

**Judge Robert E. Miles  
Maricopa County Superior Court  
125 W. Washington  
OCH-Courtroom 201  
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Each party will be allowed ½ of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the evidentiary hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 91 Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits by **October 23, 2010**.
2. All depositions and discovery contemplated by Rules 51 through 64, Arizona Rules of Family Law procedure, shall be **completed** no later than **November 8, 2010** (note that any written discovery must be provided far enough in advance of such date to allow for responses to be served in accordance with the Rules prior to the discovery cutoff).
3. Counsel and both parties shall personally meet, face to face, **five days prior to the hearing** to conduct settlement discussions, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information. If a party is forced to incur attorneys' fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of the hearing.

5. If child support or spousal maintenance is at issue, the parties shall exchange their three most recent pay stubs, two most recent tax returns, and any other documents reflecting their income no later than 10 days prior to the hearing. In proceedings involving child support, the parties shall also exchange information regarding the cost of medical, dental and vision insurance and daycare expenses for the parties' minor child(ren).

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice—Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. If child support or spousal maintenance is at issue, a current Affidavit of Financial Information completed by each party.

2. If child support is at issue, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

4. If there is a disputed issue regarding the payment of attorneys' fees by either party, an affidavit of the attorneys' fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure. If attorneys' fees are claimed based on the alleged unreasonableness of the opposing party, the affidavit shall include only the amount of fees incurred as a result of the alleged unreasonable actions or positions.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the

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imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party, or dismissal of the petition.

**IT IS ORDERED** that, if either party has exhibits (such as documents, photographs, or other items) that he/she wants the Court to consider as evidence at the hearing, he/she shall make arrangements with the Clerk of this Division (602-372-0754) to deliver the exhibits to this Courtroom by November 16, 2010 with a coversheet containing a description of each exhibit. Duplicate exhibits shall not be presented by the parties. However, the parties shall also provide the Court and the adverse party with copies of all exhibits. **DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.**

*NOTE: We do not hold spots for supplemental exhibits.*

IT IS FURTHER ORDERED that the parties shall set forth in the Joint Pretrial Statement all specific objections that will be made to any exhibit if offered at the hearing. Reserving all objections to the time of hearing is not permitted. Even if there are no objections to an exhibit, any exhibit that a party wishes the Court to consider must be offered individually at the hearing (an offer of exhibits "in bulk" will not be permitted) and its specific relevance to an issue in the case explained before the exhibit will be admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement, they may submit a proper consent decree prior to the trial date or they may appear at the time of trial and place the agreements on the record. Alternatively, the Court may vacate the trial without one of those actions occurring upon the request of both parties or their counsel. However, **in the event that the trial is vacated under those circumstances, it will not be reset**. If the trial is vacated and an appropriate consent decree has not been provided to this division within 30 days of the scheduled trial date, the case will be dismissed.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

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**NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.**

3:25 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.